



ADVOCATES
FOR HIGHWAY
AND AUTO SAFETY

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REPRESENTING
ADVOCATES FOR HIGHWAY AND AUTO SAFETY
BEFORE THE COMMITTEE ON COMMERCE OF
THE HOUSE OF REPRESENTATIVES
SUBCOMMITTEE ON TELECOMMUNICATIONS,
TRADE AND CONSUMER PROTECTION
HEARING ON THE REAUTHORIZATION OF
THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
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Good morning, my name is Joan Claybrook. I am president of Public Citizen which is a nonprofit citizen research, lobbying and litigation organization based in Washington, D.C. with 125,000 members nationwide. I am also the former Administrator of the National Highway Traffic Safety Administration (NHTSA) from 1977 to 1981. I am here this morning in my capacity as co-chair of the program committee of Advocates for Highway and Auto Safety (Advocates).

Advocates is a coalition of consumer, health, safety, law enforcement, and insurance companies, organizations, and agents working together to support the adoption of laws and programs to reduce deaths and injuries on our highways. As a highway safety organization, Advocates is unique. We focus our efforts on all areas affecting highway and auto safety -- the roadway, the vehicle, and the driver. Founded in 1989, Advocates has a long history of working with the Committee on Commerce of the House of Representatives on the development of federal legislative policies to advance motor vehicle safety. I would also add that Advocates has worked in the state of nearly every Representative on this Subcommittee to strengthen drunk driving



laws, to enact occupant restraint laws, to close dangerous gaps in child restraint laws, and to advance other laws that make our streets and highways safer.

This morning I will discuss the need for this Congress to seriously address the unnecessary and preventable carnage on our highways in the reauthorization of the NHTSA which in 1991 was an integral part of the Intermodal Surface Transportation Efficiency Act (ISTEA). Every day millions of American families leave their homes to travel by car to medical appointments, soccer practices, grocery stores, shopping malls, and libraries. Although our nation's highway system has created mobility opportunities that are the envy of the world, it has also resulted in a morbidity and mortality toll that is not.

What if a commercial airplane crashed, not once a month, but every day, seven days a week, year in and year out? What if the outbreak of a new flu virus resulted in the death of more than 9,000 of our children under the age of 21? The public outcry would be deafening and the response of Congress would be swift, certain, and decisive.

In fact, the number and frequency of deaths cited in these hypotheticals illustrate the current statistics on death and injury due to motor vehicle crashes every year. Day in and day out, year in and year out, approximately 115 Americans will not return home at the end of the day. Every hour more than 400 Americans are taken to hospitals for serious injuries because of motor vehicle crashes. According to annual crash data collected by NHTSA, nearly 42,000 people die and another 3.4 million Americans suffer serious injuries every year on our highways because

of motor vehicle crashes, costing society at least \$150 billion, or \$580 per man, woman and child.

The death toll on our highways makes crashes the number one cause of death and injury for young people ages 5 to 27. Highway crashes cause 94 percent of all transportation fatalities and 99 percent of all transportation injuries, yet motor vehicle and traffic safety programs receive only one percent of the funding of the United States Department of Transportation (U.S. DOT) budget. The staggering loss of lives and the incidence of life-threatening injuries occurring each year on our roadways is best described as a public health crisis.

I. THE CHALLENGE

The cause of these deaths and injuries are reported every day in newspapers and on television in communities across the country - drunk driving, speed, rollover, roof crush, aggressive driving, inexperienced driving, and indifference to traffic safety laws. Although some progress had been made in the mid-1970s and 1980s, there has been no appreciable decline in motor vehicle deaths and injuries in the last five years. By measuring fatality rates based on either vehicle miles traveled (VMT) or deaths per 100,000 population, the number of Americans killed in car crashes has remained basically constant the past five years.

YEAR	FATALITIES	FATALITIES (Per 100,000 Population)	FATALITY RATES (Per 100 Million Vehicle Miles Traveled)
1990	44,599	17.88	2.1
1991	41,508	16.46	1.9
1992	39,250	15.39	1.7
1993	40,150	15.57	1.7
1994	40,716	15.64	1.7
1995	41,798	15.91	1.7
1996	41,500 est	not available	not available

Source: Safety Services, Inc. from NHTSA data

Reducing motor vehicles deaths and injuries will become more challenging and critical as we enter the 21st century. Two weeks ago, Advocates, joined by Members of Congress, insurance representatives, medical professionals, law enforcement, and crash victims, held a press conference to release a new report, "The Highway Safety Deficit: Who Pays and Who Delays?". This report outlines the status of the nation's highway safety laws across the country as a backdrop to the current congressional debate about reauthorization of NHTSA, in particular, and ISTEA, in general. Let me briefly summarize some key findings of the report and the safety obstacles in the road ahead:

- Since Congress repealed the National Maximum Speed Limit 24 states have speeds higher than 70 miles per hour (mph) on rural interstates, with 10 states at 75 mph, and Montana having no daytime speed limits for cars. A troubling trend of increased deaths and injuries as a result of higher speed limits is emerging. New Mexico and California experienced fatalities and injuries on highways where speeds had been increased. In

contrast, California roads that retained the 55 mph speed limit showed a 8 percent reduction in fatal crashes. Furthermore, despite the higher posted speed limits, cars are traveling faster. For example, the Insurance Institute for Highway Safety (IIHS) studied vehicle speeds before and after the change in posted speed limits on highways in California, Texas and New Mexico. In California, on highways that had posted speed limits increased to 65 mph, 29 percent of vehicles were traveling at speeds above 70 mph. One year later, 41 percent of the vehicles on those highways were traveling at 70 mph or above. Because motor vehicle crashes at increased speeds are much more severe, resulting in more fatalities and life threatening injuries, greater crashworthiness countermeasures are a critical necessity. At the same time, the television airwaves are full of car advertisements emphasizing and selling speed, and car speedometers are indicating 140 mph as the top speed although most states have speed limits between 65 and 75 mph.

- The United States has the lowest safety belt usage compared to Western European countries, Canada, Australia and New Zealand. To date, only 12 states and the District of Columbia have primary, or standard, enforcement safety belt laws. States that have standard enforcement laws experience, on average, a 14 percent increase in safety belt use rates. The NHTSA estimates that 45 percent of those who died without belts -- 12,000 people -- could have been saved if they had used safety belts. About 60 percent of occupant fatalities today are unbelted.

- In 1995, drunk driving deaths rose for the first time in a decade. Yet, only 14 states* have .08 percent blood alcohol content (BAC) laws despite a recent study by Boston University School of Public Health that 500 to 600 lives would be saved annually if every state adopted .08 BAC. (* Note: Illinois' Legislature has recently passed a .08 BAC bill, and it is awaiting the signature of a supportive governor. Once enacted, Illinois will be the 15th state.)
- Enactment of a provision in National Highway System (NHS) designation legislation which sanctions states that fail to enact "zero tolerance laws," making it illegal for those under the legal drinking age of 21 to have any alcohol in their systems while operating a motor vehicle, has energized state action. While 26 states, as well as the District of Columbia, had already enacted zero tolerance statutes prior to passage of the federal law, eleven additional states enacted bills last year and legislation is pending in six other states this year.
- Each year nearly 5,000 Americans die in truck crashes. According to IIHS, in 1995, 98 percent of the people killed in two vehicle crashes involving passenger cars and big trucks were occupants of the passenger vehicles. Public opinion polls show nearly unanimous public support for a vigorous federal leadership role in enhancing truck safety and limiting the size and weights of trucks.
- According to NHTSA, teenage drivers are significantly over-represented in fatal crashes

compared to other age groups. The U.S. Census Bureau estimates that in the year 2000, the youth population (ages 15 to 20) of this country will be 23.9 million, an increase of 10 percent from 1995. In the next decade, this age group is expected to increase by almost 17 percent.

- Sport utility vehicles are the fastest growing segment of the new car market. These vehicles are aggressively marketed to younger drivers who are over-represented in fatal crashes. Their narrow wheel base and high center of gravity makes these vehicles more prone to rollover. Rollover crashes are currently involved in about 25 percent of all passenger fatalities. Consumer information on rollover propensity is non-existent. Three years ago NHTSA terminated rulemaking on a stability standard for light trucks and cars. At the time of the announcement, NHTSA committed to providing consumer information. It has taken three years for the agency to announce, as it did last week, that there will be "some" action in the future. The American public cannot afford another three years of inaction.
- In the NHS legislation, a federal program encouraging states to enact all-rider motorcycle helmet laws was repealed. Since January, 21 states that currently have all-rider motorcycle helmet laws are considering bills to repeal this lifesaving law. In fact, Arkansas has the distinction of being the first state to repeal its law since the NHS bill was enacted. Texas may be the second. These laws are being revoked despite government and other research over the past 20 years that repeatedly document that all-

rider helmet laws reduce deaths and serious head injuries. NHTSA estimates that helmets saved the lives of 506 motorcyclists in 1995. If all states had all-rider helmet laws, approximately 285 more lives could have been saved.

These items are bad news for public safety. The good news is that many effective and successful remedies are already on the shelf or are underway in many states and communities, and they are responsible for saving lives and preventing injuries. Stricter drunk driving laws, stronger safety belt laws, increased financial resources to fund motor vehicle and traffic safety programs, committed and sustained enforcement of traffic safety laws like speed limits and red light running, comprehensive graduated licensing programs for inexperienced teenage drivers, improved motor vehicle and truck crashworthiness requirements, and limits on the size and weight of big trucks are all part of the solution.

II. NATIONAL AND STATE LEADERSHIP

In any national crisis claiming so many young lives, inflicting so many debilitating and costly injuries and extracting such a substantial personal and financial toll, the country looks to its elected leaders for help to advance solutions and advocate effective strategies. Congress has an opportunity this year to enact a road map for improving highway safety that will reduce deaths and injuries and save federal taxpayer dollars. One of the most significant bills that Congress will take up in the 105th session is the reauthorization of federal funding programs to support highway maintenance and construction, transit capital and operating programs, and traffic and motor vehicle safety programs.

In 1991, Congress passed and President Bush signed into law ISTEA which included the NHTSA reauthorization bill. In addition to setting highway and transit program priorities for states, urban, suburban and rural communities, ISTEA included an extensive motor vehicle and highway safety agenda to address preventable deaths and injuries on our highways. For the first time in the history of the federal highway and transit programs, House and Senate leaders enacted legislative provisions which, in total, comprised a safety agenda that resulted in state adoption of safety belt and all-rider motorcycle helmet laws, safer cars and trucks, and a freeze on the spread of double and triple-trailer trucks.

Since January, when the first session of the 105th Congress began, the political debate on ISTEA reauthorization (ISTEA II) conducted by Members of Congress, Administration officials, governors, state Department of Transportation directors, highway construction lobbies, and other interest groups has centered almost exclusively on the division of federal gas tax revenues between donor and donee states, the highway and transit funding needs of urban v. rural communities, the determination of what are legitimate v. illegitimate uses of trust fund dollars, and the on-budget v. off-budget congressional battles. Little, if any, of the political discourse has addressed the "public health v. public harm" effects of this legislation. Because of the large sums of money at stake, the political terms of the debate focus on state winners and losers in dollars and cents. But what about the winners and losers among the highway users? Which American families traveling by car will have better protection and safety systems in the event of a crash?

Over the six year life of the reauthorization bill submitted by the Clinton Administration, the National Economic Crossroads Transportation Efficiency Act (NEXTEA), more than \$170 billion in surface transportation spending is being proposed. However, during that same six year period of highway funding, unless the tide of fatalities and injuries on our highways is stemmed, almost 250,000 people will die. This number of deaths is roughly the equivalent of the population of the city of Erie, Pennsylvania or Boulder, Colorado. Eighteen million more will be seriously injured, equal to the population of the state of New York or Texas, at a cost of over \$900 billion. This is enough money to cover the full four year costs (including tuition, room and board) for twice the number of students currently attending a four-year public university. The entire cost of the ISTEA II authorization could be covered if we realize just a 20 percent reduction in highway deaths and injuries.

III. WHAT THE TAXPAYERS SAY

Last year, in anticipation of congressional consideration of the reauthorization of ISTEA, Advocates sought to determine what Americans think about specific highway and auto safety issues, policies, and programs. Advocates commissioned a well-known national pollster, Louis Harris, to survey a cross-section of the public. The results are compelling. The public is seriously concerned about the dangers of highway travel, and decisive majorities support a strong federal response to address highway safety. When releasing the poll results in September of last year, Louis Harris said, "[i]n an era marked sharply by a rush to turn over many substantive areas of government and regulation to the states and localities in many areas, highway and auto safety stands out as a significant exception to the rule."

Despite conventional wisdom that the public wants less government involvement in regulatory matters, decisive majorities of Americans believe it is important for the government to play a strong role in highway and auto safety regulations.

Key findings of the poll are:

- 94 percent say it is important to have federal regulations of car safety standards, with 77 percent stating such a presence is very important.
- 75 percent, compared to only 19 percent, of the respondents would be willing to pay \$200 to \$300 more for a car that has better safety systems to prevent rollover, better roof crush protection, improved padding on the interior of the car, and better side protection.
- 85 percent want purchasers of passenger vehicles to have the government safety ratings from crash tests of the vehicles at the point of sale.
- 91 percent assert that federal regulation of large truck safety on the highways is important, with 74 percent viewing federal involvement as very important.
- 91 percent believe federal involvement in assuring safe highways is important, with 78 percent saying such a role is very important.
- 87 percent say it is important to have the federal government setting strict rules about food and product safety, highways and airline safety, and safety on the job, with 62

percent citing such regulation as very important.

- 73 percent say a federal presence in controlling excessive speed on highways is important, with 47 percent stating this presence is very important.
- 72 percent believe it is important to have the federal government setting safe speed limits, with 48 percent stating that this role is very important.

IV. THE SAFETEA COALITION AND LEGISLATIVE PROPOSAL

One measure of how serious Congress is about addressing highway deaths and injuries will be found in the safety agenda advanced in ISTEA II. On May 6th, Advocates participated with representatives of the medical, business, law enforcement and public interest communities to announce the formation of the SAFETEA Coalition. Attached is a list of the current members in this coalition. To date, more than 60 organizations from all over the country have come together and share common views of the importance of highway and auto safety in ISTEA II. The members of the SAFETEA Coalition are the individuals who pay the tax at the pump and their voice is loud and clear - safety must be a priority in ISTEA II.

Advocates and the SAFETEA Coalition support a comprehensive and feasible plan that needs to be included in ISTEA II and will reduce the human loss on our highways. This legislative proposal, which is contained in the report attached to my testimony, is by no means exhaustive of the safety measures our nation needs to mitigate the public health crisis occurring on our

highways. Government studies show that each year, traffic injuries are the principal cause of on-the-job fatalities and the third largest cause of all deaths in the United States. However, far more people are injured and survive motor vehicle crashes than die in these crashes. These injured persons often require medical care and many require long-term care and rehabilitation. For children, the problem is equally dramatic as motor vehicle crashes are the leading cause of death for children ages 5 to 14. In 1995, the 0-14 age group accounted for 7 percent (2,794) of all traffic fatalities. (Source: Presidential Initiative for Increasing Seat Belt Use Nationwide). These figures are particularly disturbing when considering that traffic "accidents" are not accidental at all. They are predictable and preventable and our nation must move forward with the SAFETEA Coalition's legislative proposal to reduce the number of people killed on our roads.

V. BENEFITS OF REGULATIONS

The importance of motor vehicle crashworthiness programs cannot be overstated. Motor vehicle safety standards are one of the most cost effective public health programs of the federal government. These programs have been proven effective in preventing injuries and deaths each and every day. In fact, NHTSA estimates that over 12,500 lives are saved and over 560,000 injuries are prevented each year because of NHTSA's motor vehicle safety standards. According to "Moving America More Safely," a 1991 report issued during the Bush Administration on the benefits of federal highway, traffic, and motor vehicle safety programs, between 1967 and 1990, over 106,000 lives have been saved due to crashworthiness safety standards. One can conservatively estimate that since 1990, more than 70,000 people have been saved because of

motor vehicle safety improvements. These programs have been successful in a cost beneficial manner. The return on investment of consumer and taxpayer dollars has been an estimated \$5 return on every dollar spent, according to NHTSA.

NHTSA has achieved these results with a fairly constant budget, suffering the double hit of program cutbacks and inflation. Crashes are the fourth major cause of premature death, comparable to cancer and heart disease, but far behind in annual public investment in research funding. For example, cancer which claims 1.8 million years of potential life lost (YPLL) receives \$812 for each year of life lost. Heart and lung disease claims 1.4 million YPLL and receives \$377 for each year of life lost. Yet, if one looks at the expenditures devoted to crashes which take 1.3 million YPLL, only \$49 is spent for each year of life lost.

According to a report issued by NHTSA "The Economic Cost of Motor Vehicle Crashes 1994," improved safety has reduced the potential economic impact of motor vehicle crashes in 1994 by \$29.7 billion, a 16.5 percent reduction from the cost level that would have resulted from 1990 injury rates.

VI. REGULATIONS

A. MOTOR VEHICLES

1. Air Bags

Air bags are an important part of effective occupant restraint systems. Air bags have saved approximately 2,000 lives, and according to NHTSA estimates, they continue to save about 10

lives each and every week. Despite the controversy over the tragic loss of life that has accompanied the manufacturers' choice of a one-size-fits-all approach to current air bag design, air bags are a necessary and integral component of the occupant protection package provided in new vehicles. Advocates is committed to the development of safe air bags for all people.

Advocates supports the near-term efforts to improve air bag safety. We endorse the public information campaign emphasizing that children must be buckled up in the back seat. Advocates also is involved in efforts to upgrade state mandatory safety belt use laws that require only secondary enforcement to permit primary, or standard, enforcement. Two years ago Advocates supported the successful effort in Louisiana to enact a standard safety belt law. Additionally, this past January Advocates played a key role in supporting enactment of a standard safety belt law in Maryland. Since many of the adults and nearly all of the children killed by air bag deployment were not properly belted, standard enforcement is a reasonable and logical means of reducing risk.

Advocates also supports design changes to further reduce the adverse effects of air bags. We have called on NHTSA and vehicle manufacturers to improve other design features of air bags including folding and tethering, mounting position, deployment threshold levels of air bags, and variable inflation rates taking into account the force of the crash. Advocates endorsed air bag depowering as an interim measure to help reduce the lethal effects of air bags to children and small statured adults. Air bag depowering, however, is not a panacea and may have the effect of increasing the risk of death or serious injury to teenagers and adults who might otherwise

have been saved. For this reason, and because unbelted, out-of-position testing is essential to the development of safer and smarter air bags, Advocates does not support current efforts to either eliminate the "sunset" provision in the depowering rule or repeal the current unbelted test. We are certain that these issues will be resolved in the context of an overall upgrade of the occupant protection standard.

While the near-term measures are required to achieve the immediate aim of preventing avoidable deaths and injuries, the technology is available to realize the long-term goal of providing safe air bags for all people. Toward that end, Advocates has supported the effort to augment the current regulations by adding out-of-position testing. Such testing will guard against severe or fatal injuries caused by air bags to young children, who are inappropriately allowed to sit in the front passenger seat, and to shorter adult drivers, especially women, who need to sit close to the steering column to operate their vehicles. It will also ensure that teenagers and adult males still receive the protection they need in a severe crash. This can be accomplished by testing air bag performance with an array of crash test dummies, including the three and six-year old child dummies, the 5th percentile female test dummy, and the 95th percentile male test dummy. Upgrading the occupant protection standard must be NHTSA's first priority and should be accomplished by next year.

We also support funding on crash and in-vehicle sensor research in order to expedite the development of advanced air bag technology. This is discussed in Section VII, below.

In light of the need to adopt a comprehensive testing approach to provide safe air bags for all, it would be unwise to remove from the standard the only current requirement for an unbelted, out-of-position crash testing. Deleting the unbelted test is particularly worrisome since, at present, the safety belt use rate in the United States remains among the lowest of all industrialized nations. At best, NHTSA estimates that only two-thirds, or about 68 percent, of passenger car occupants use safety belts. However, this figure is based on limited surveys and daytime-only observations and the figure of 68 percent does not include other vehicles such as light trucks, vans, and sports utility vehicles where the reported safety belt use rate is closer to 50 percent. With safety belt use rates lingering at relatively low levels and with 60 percent of all fatalities unbelted, Americans who are unbelted should have a crash test representative of their safety needs. The people who still do not buckle up are our neighbors and friends, sons and daughters, mothers and fathers, and the group most likely not to buckle up are teenagers and young adults.

Advocates is firmly convinced that air bag design can be perfected to provide customized air bag deployment for each front seat occupant in any crash situation.

2. Rollover Information

Vehicle rollover is a major safety problem on American highways. In 1995, over 18 percent of the vehicles involved in fatal crashes experienced rollover, accounting for approximately one-quarter of all occupant fatalities. Despite these grim statistics, NHTSA terminated rulemaking to develop a stability standard to reduce the incidence of vehicle rollover in 1994. At that time,

the agency pledged to provide consumers with information on the rollover potential of vehicles. After almost three years with no action by NHTSA, the agency has only recently announced the intention to develop some type of consumer information. Because rollover is an important safety issue for consumers, NHTSA should expedite this rulemaking and provide some objective basis on which consumers can compare the comparative rollover potential of vehicles. It would not serve the public to allow another three years to pass without final action on this issue. Consumer information should be available on every vehicle and in every new car dealership by model year 2000.

3. Bumper Strength and Information

Passenger vehicle bumpers continue to represent an important economic consideration to consumers because low speed crash damage comprises a large portion of vehicle repair costs. At present, vehicle bumpers must only meet the most minimal strength standard, protection of safety systems in a 2.5 mph collision. Although safety systems now must survive the 2.5 mph test intact, non-safety vehicle body parts, sheet metal, and the bumper itself can be deformed or entirely destroyed. A stronger bumper standard, which required no significant damage to either the vehicle or bumper in a 5.0 mph crash, was repealed in the early 1980s before it even went into effect.

In the real world, even fender-benders in parking lots, low speed collisions on city streets or congested roadways, and other minor altercations can result in hundreds or thousands of dollars in repair costs for the bumper and unprotected vehicle body damage. The need to upgrade the

current bumper strength standard to improve bumper performance and to protect the major investment made by consumers each year in new vehicles is long overdue.

Despite the low level of protection afforded by the bumper strength standard, many vehicle manufacturers claim that their bumpers exceed the protection required by federal law. However, consumers have no way of determining how a bumper will perform in a low speed crash. Prospective purchasers cannot tell how good a bumper really is, or how much damage a bumper will sustain in a low speed crash just by looking at the bumper in the showroom. Consumers need objective information on the comparative damage protection of bumpers, by vehicle make and model, to be able to factor potential repair and replacement costs into their purchasing decision. NHTSA has statutory authority for requiring this information be provided to the public and should be directed to do so.

B. TRUCKS

About 5,000 people die every year in crashes involving big trucks, even though medium and heavy trucks are a very small part of the total vehicle population, only accounting for 3 percent of registered vehicles in the U.S.

Unfortunately, the overwhelming majority of the people who die in these often catastrophic crashes are occupants of small passenger vehicles. In fact, according to IIHS, 98 percent of the people killed in two-vehicle crashes involving passenger vehicles and big trucks were occupants of the passenger vehicles. Big trucks are involved in more than one-fifth of passenger vehicle

deaths in these multiple vehicle crashes.

Also, specific segments of the motor carrier industry have experienced substantial increases in deaths and injuries in recent years. For example, single-unit (straight) truck crash fatalities, an area long overlooked as a major source of truck crash casualties, rose 50 percent through the early 1990s. By 1995, single-unit trucks were annually involved in nearly 1,400 deaths. Yet Congress provided this trucking industry segment with a series of exemptions from motor carrier safety standards in the 1995 NHS legislation.

1. Underride Guards

Truck safety needs to be improved with more vigorous regulation, both on the assembly lines and, later, on the roads. Eighty percent of rear impact and underride fatalities occur at collision speeds above 25 mph. However, NHTSA recently adopted an inferior guard design that is only effective for impacts up to 25 mph. The agency issued this regulation despite more than 2,000 comments to its 1992 rulemaking proposal, a great majority of which urged adoption of a truck rear impact guard with an authentic velocity-sensitive, energy-absorbing design. For an additional \$100 to \$200 per truck (a new tractor and trailer can cost up to \$120,000), the agency could have required designs that would have saved scores of lives each year. Also, the agency determined that its guard should be placed 22 inches above the ground, a height that will still allow small cars to underride the rear of big trucks.

Additionally, NHTSA's final rule exempted up to 85 percent of the trailers annually

manufactured in the U.S. Further, no single-unit trucks are required to be fitted with the agency guard, despite the fact that they are responsible for about 75 percent of the rear end crashes by passenger vehicles each year.

With recent investigations by IIHS and others showing that the number and frequency of truck rear end crashes by passenger cars are radically underestimated in federal crash data files, the travelling public has been armed with marginal protection against the thousands of rear impacts into the unforgiving rear cargo units of millions of trucks that occur each year. NHTSA's weak standard coupled with excessively broad exemptions will deny thousands of Americans important protection from crashes into the lethal rear ends of large trucks.

2. Commercial Vehicle Antilock Braking Systems

Although the trucking industry fought both the proposed rule and the original final policy adopted by NHTSA to require antilock braking systems (ABS) on large trucks and buses, this regulation, required by ISTEA to be proposed, is a superb example of regulation in the public interest. The tremendous improvements in large vehicle stability and steering control will reduce deaths and injuries from big truck and bus crashes, lower property damage costs, and reduce traffic tie-ups from jackknifed tractor-trailers. Commercial vehicle ABS is a success story from every angle, and currently almost every U.S. trucking fleet has shown great enthusiasm for the increased safety and efficiency of ABS-equipped airbrake systems. Additional systems to comply with ABS requirements on hybrid air/hydraulic braking systems and hydraulic brakes on smaller trucks and buses are currently on manufacturer drawing boards.

3. Commercial Vehicle Conspicuity Enhancement

Recent regulatory actions by NHTSA to improve the nighttime detection and identification of large trucks by other drivers through the retroreflectorization of the sides and rears of trailers and truck tractors are another important safety success story. Because large commercial vehicles are often difficult to detect under conditions of adverse visibility, illumination by passenger vehicle headlamps of strategically placed retroreflective materials will reduce small vehicle impacts with the sides and rears of combination trucks. This illumination will also reduce the number and severity of some rear underride crashes. NHTSA anticipates that safety benefits are several times the nominal cost (about \$17 per trailer or tractor) of retroreflective materials applied to new tractors and trailers. Unfortunately, although these benefits could be extended to the entire operating fleet of heavy trucks, the Federal Highway Administration has been very slow to follow up on a proposal issued a few years ago to require trucks already on the road to be retrofitted with this inexpensive safety improvement.

4. Commercial Vehicle Retreaded Tires

No one who has travelled America's highways has failed to see the enormous pieces of shredded tire treads that have been thrown from the wheels of big trucks into travel lanes and shoulders. Although NHTSA currently has standards for retreaded and recapped passenger vehicle tires (that are rarely used), no federal minimum requirements govern the integrity of commercial vehicle retreads (that are often used). In fact, a Federal Motor Vehicle Safety Standard (No. 120) allows a purchaser of a new truck or bus to specify the use of retreaded or used tires, but sets no performance parameters.

Currently, NHTSA has a pending proposal (issued September 1995) that could make things worse instead of better. In response to a petition by the National Tire Dealers and Retreaders Association, the agency has proposed even more extensive use of retreaded and used tires on commercial vehicles. NHTSA argues that it has received no reports of any safety problems with the use of purchaser-provided used or retreaded tires. Hence, it is receptive to manufacturer-supplied used or retreaded tires on new trucks and buses.

We disagree with this argument. NHTSA has proposed expansion of the use of retreaded and used tires without data, survey results, or controlled studies showing that the safety performance of used or retreaded tires has been equivalent to new tires. In fact, anecdotal evidence indicates exactly the contrary. The agency should not proceed with this action without establishing standards for medium and heavy vehicle retreaded tires and without an adequate foundation in the rulemaking record prior to any expansion of the use of retreaded and used commercial vehicle tires. We find it incongruous for NHTSA to require improved large vehicle braking through the mandatory use of ABS and yet allow potentially millions of trucks and buses to be equipped with possibly substandard retreaded or used tires.

VII. TRANSPORTATION RESEARCH AND TECHNOLOGY

Air bag suppliers are now designing safer air bags for the near future. However, attaining air bags that perform safely and effectively for all persons in all frontal crashes is an important public safety goal. This goal can be achieved by developing advanced air bag technology that shapes the force of the air bag deployment based on the occupant's size and position at the time

of the crash as well as the severity of the crash. To provide technology that enables air bags to protect all occupants in frontal crashes, a new generation of sensing devices (sensors) must be developed. Sensor technology, for crash sensors and occupant position sensors, is the weak link in developing advanced air bag design and performance.

To solve this problem, Advocates has proposed that a portion of the funding authorized for the Intelligent Transportation System (ITS) program be used to improve the protection provided by air bags and safety belts to all occupants, especially children and short adults. A program that provided \$25 million annually for research and development of crash and vehicle sensors would hasten the accomplishment of advanced air bag technology. Directing ITS resources for this purpose is a logical step since the development of advanced technology for application to highway vehicles to improve safety is a major premise of ITS. In fact, the ITS Program Plan, the master plan for ITS projects, includes a proposal for Pre-Crash Restraint Deployment. This effort was intended to develop advanced sensor and radar technology to improve the response of vehicle safety systems in the event of a crash. The ITS Program Plan recognized that sensor development and safety devices are integrally related to crash survival. Advocates' proposal adds a new dimension to this ITS concept.

Unfortunately, the ITS program has not funded or developed the Pre-Crash Restraint Deployment aspect of the ITS Program Plan. This important area of safety research and development has gone unfunded even though the ITS program has received approximately \$1.3 billion from the federal government. The administration is now seeking an additional \$600

million for research and development over the next six years. In addition, the Administration is proposing that ITS projects be eligible for federal Highway Trust Funds as any other construction project. Despite the vast expenditures of federal funds, ITS has not produced appreciable improvements in highway safety. Although many claims have been made about the potential for ITS to make vehicles and highways safer, there are few tangible safety results. The ITS safety concepts for passenger vehicles are mostly still in development and will not be available, if at all, for many years to come. Since the ITS program has not initiated safety research and development on vehicle sensors as planned, we urge Congress to promote occupant safety, and to protect children and short adults, by targeting funding for accelerated vehicle sensor research and development.

At a meeting this Tuesday of NHTSA's Motor Vehicle Safety Research Advisory Committee, it was pointed out that programs in the agency dedicated to various ITS technologies have a budget next year of \$24 million, including a \$14 million budget just for the Iowa Driving Simulator. In contrast, the entire agency budget for investigating both the benefits of antilock brakes on passenger vehicles and the need for rollover countermeasures is \$1 million. Even more startling is the underfunding for commercial vehicle crash avoidance safety research, \$585,000. This clearly is a research budget that has its priorities misordered because of the overfunding of the ITS initiative and the keen interest of private market representatives to produce saleable technology to the public.

VIII. INTERNATIONAL HARMONIZATION

Efforts to achieve International Harmonization between U.S. and foreign motor vehicle safety standards should adopt the safest standards and the best practices. In light of the resources and investment that this nation and the private sector will devote to harmonizing standards, the public should expect that the result will be better, safer standards. Unfortunately, the boosters of International Harmonization have only pledged not to reduce safety and have not yet committed to guaranteeing that harmonization will improve safety standards. NHTSA should, therefore, expressly embrace the goal of harmonizing "up" to adopt higher safety standards in its pursuit of International Harmonization.

Advocates is concerned because although International Harmonization is not intended to diminish the protection afforded by the U.S. safety standards, past harmonization efforts on passenger vehicle brake and headlamp standards have led to safety compromises. In order to harmonize our standards with European standards, less safe European practices were adopted. In another example, Advocates just yesterday filed comments on the need for a uniform system for securing child restraints. Presently, there are many different and confusing methods for securing a child restraint in a vehicle, a major factor in the very high rate of misinstallation. All experts agree that while there can be many different child seats, there should only be one, uniform method of installing those seats into vehicles. Familiarity through uniformity has been a fundamental principle for improving child safety in this area. Nevertheless, in the interest of International Harmonization, NHTSA has proposed to allow two types of child restraint anchorage systems. This decision may engender confusion that could lead to improper installation of some child

seats. This represents an instance in which the goal of maximizing safety is in conflict with International Harmonization, and NHTSA has cannot have it both ways.

Advocates also has some reservations regarding the process that will be achieved through International Harmonization of U.S. and foreign motor vehicle safety standards. We are supportive of a NHTSA-controlled process in which normal rulemaking procedures, including public notice and comment, ensure public participation in developing harmonized U.S. regulations. We cannot be as optimistic, however, that a process that takes place abroad, under the auspices of an international forum where there is no clear concept of due process, will provide proper safeguards for the U.S. public and the U.S. public interest. Even though NHTSA will be the intermediary in the International Harmonization process, it will have only a single vote and may, in the future as in the past, have safety compromises forced upon it. What role then can the public comments have in this decision making process?

We particularly oppose the Administration's proposed language in NEXTEA that could compromise motor vehicle safety for the American public under the guise of International Harmonization, specifically the promotion of "functionally equivalent" or so-called "compatible" vehicle standards. These vague terms would result in unenforceable standards and undermine public participation in the setting of the standards.

IX. CONCLUSION

In conclusion, I urge this Subcommittee to draw a line in the pavement against the unacceptable 42,000 deaths and 3.4 million injuries occurring in motor vehicle crashes annually. The NHTSA motor vehicle safety programs are one of the most important and cost effective vaccines against the leading cause of death and injury for young Americans. The American public wants safer cars and supports a strong federal role in advancing safety technology.

This Congress would never tolerate a major airplane crash every month, let alone each and every day, with the rationale that "planes are safe enough." Likewise, we cannot tolerate and accept the current number of deaths and injuries occurring annually on our highways. I urge the Subcommittee to provide sufficient resources to NHTSA to complete the safety agenda of improving the crashworthiness of motor vehicles in order to make our highway journey into the 21st Century a safer road to travel.

Thank you and I would be pleased to answer any questions you may have.



ADVOCATES
FOR HIGHWAY
AND AUTO SAFETY

JOAN B. CLAYBROOK is President of Public Citizen, a nonprofit, national public interest advocacy organization, founded by Ralph Nader in 1971. She has held this position since 1982. Through research, writing, litigation, petitioning and lobbying, Public Citizen seeks to improve the health and safety of the public, as well as civil rights and liberties, clean and safe energy sources, public availability of information, campaign finance reform, accountability and fairness in the marketplace and citizen participation in government decision-making.

Ms. Claybrook testifies frequently before Congressional committees, and speaks to private groups and educational institutions on behalf of public interest issues. Current issues Ms. Claybrook is working on include product liability, campaign finance reform, health care reform, auto and highway safety, trade, and regulatory policies.

Two publications Ms. Claybrook has co-authored are Retreat from Safety: Reagan's Attack on America's Health (1984) and Freedom from Harm: The Civilizing Influence of Health, Safety and Environmental Regulations. In addition, she has written articles that have appeared in the Washington Post, New York Times, Los Angeles Times, Baltimore Sun, and USA Today.

Positions Ms. Claybrook has held include: Administrator of the National Highway Traffic Safety Administration, U.S. Department of Transportation, 1977-1981; founder and director of Public Citizen's Congress Watch, a congressional lobbying group, 1973-1977; Public Interest Research Group, 1970-1972; the Congress Project, 1972; special assistant to the administrator, National Traffic Safety Bureau, U.S. Department of Transportation, 1966-1970; congressional fellow, American Political Science Association, 1965-1966; research analyst with the Social Security Administration, Department of Health Education and Welfare, 1959-1966.

Ms. Claybrook has received numerous awards, among them the Excellence in Public Service Award of the American Academy of Pediatrics in 1980, the honorary degree of Doctor of Public Service from the University of Maryland in 1981, the Philip Hart Distinguished Consumer Service Award of the Consumer Federation of America in 1986, and the honorary degree of Doctor of Laws from the Georgetown University Law Center in 1993.

Ms. Claybrook is a member of the Board of Consumers Union; Advocates for Highway and Auto Safety; Citizens for Reliable and Safe Highways; Trial Lawyers for Public Justice; Citizens for Tax Justice; Georgetown Law Center Board of Visitors; California Wellness Foundation Advisory Board; and Goucher College Board of Trustees.

Ms. Claybrook is also a founding member of Advocates for Highway and Auto Safety. She was co-chair of Advocates for three years and is presently co-chair of the program committee.





COMMON SENSE SOLUTIONS FOR ADVANCING HIGHWAY SAFETY

MEMBERS OF THE SAFETEA COALITION

Advocates for Highway and Auto Safety	Illinois SAFE KIDS Coalition
Alaska Department of Health and Human Services, Anchorage, Alaska	Independent Insurance Agents of America
Alaska SAFE KIDS	Kemper Insurance Companies
Alliance of American Insurers	Kentucky Office of Rural Health
American College of Emergency Physicians	Lake County DUI Task Force, Montana
American College of Emergency Physicians, Ohio Chapter	Madison Township Police Department, Ohio
American Public Health Association	MADD Florida
American Trauma Society	MCR/LRI, Inc.
American Trauma Society - Washington Division	Missouri Association of Insurance Agents
Arizona Consumers Council	Missouri Department of Insurance
Ben Taub Hospital Patient Advocates Offices, Houston, Texas	Missouri Planning Council for Developmental Disabilities
Brain Injury Association	National Association of Professional Insurance Agents
Brain Injury Association of Illinois	National Consumers League
Brain Injury Association of Michigan	National Fire Protection Association
Brain Injury Association of Texas	National SAFE KIDS Campaign
Brain Injury Research Center of Texas	Nationwide Insurance Enterprise
Brain Injury Services	New York Coalition for Transportation Safety
Center for Auto Safety	North Carolina Pediatric Society
Center for Science in the Public Interest	Parents Against Tired Truckers
Citizens for Reliable and Safe Highways	Police Foundation
Coalition for American Trauma Care	Providence Alaska Medical Center - Emergency Department
Connecticut EMS Coalition	Public Citizen
Connecticut SAFE KIDS	Remove Intoxicated Drivers - RID USA
Connecticut State Police Union	Rural Health Projects, Inc.
Consumer Federation of America	Safety Services, Inc.
Consumers for Auto Reliability & Safety	State Farm Insurance
Emergency Medical Services for Children	Students Against Driving Drunk - SADD, Inc.
Emergency Nurses Association	The Hartford
Epilepsy Association of Central Florida, Inc.	Think First/ Heads Up
Epilepsy Foundation	Traffic Safety Programs, Texas A&M University, Health & Kinesiology Department
General Federation of Women's Clubs	Trauma Foundation
Illinois Chapter of National Spinal Cord Injury Association	Wadley Regional Medical Center, Texarkana, Texas
	West Virginia Bureau for Public Health, Office of EMS

The SAFETEA Coalition includes more than 60 consumer, health, safety, law enforcement and business organizations dedicated to passage of lifesaving highway safety policies in the 1997 reauthorization of the Intermodal Surface Transportation Efficiency Act (ISTEA).

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**ADVOCATES
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HIGHLIGHTS OF FINDINGS

"A Survey of the Attitudes of the American People on Highway Safety"

**A PUBLIC OPINION POLL CONDUCTED BY
LOUIS HARRIS
for
ADVOCATES FOR HIGHWAY & AUTO SAFETY**

MAY, 1996

INTRODUCTION

Advocates for Highway and Auto Safety (Advocates), a leading national highway safety advocacy group, is an alliance of consumer, health, safety and insurance groups working together to advance highway and auto safety. In May, 1996, Advocates sought to determine how Americans feel about specific highway and auto safety issues, policies and programs. To do so, Advocates commissioned a well-known national pollster, Louis Harris, to survey a cross-section of 1,000 adults during the week of May 22-June 1, 1996.

A broad spectrum of issues was covered and great emphasis was placed on how important Americans feel the government role (both federal and state) should be in setting standards and passing policies and legislation.

I. Government Presence in Highway and Auto Safety

Despite conventional wisdom that the public wants less government involvement in regulatory matters, decisive majorities of Americans feel it is important for the government to play a strong role in highway and auto safety regulations.

Among the key findings in this area:

-- 94% say it is important to have federal regulations of car safety standards, with 77% stating such a presence is very important.

-- 91% feel that federal regulation of large truck safety on the highways is important, with 74% viewing federal involvement very important.

-- 91% believe federal involvement in assuring safe highways is important, with 78% saying such a role is very important.

-- 87% say it is important to have the federal government setting strict rules about food and product safety, highways and airline safety, and safety on the job, with 62 citing such regulation as very important.

-- 80% feel a federal presence is important in passing laws which mandate safety belt use, with 61% saying federal involvement in this area is very important.



-- 77% believe it is important for the federal government to pass laws to get people to wear motorcycle helmets, with 61% stating such laws are very important.

-- 73% say a federal presence in controlling excessive speed on highways is important, with 47% stating this presence is very important.

-- 72% believe it is important to have the federal government setting safe speed limits, with 48% stating that this role is very important.

II. Strong Support for Youth Highway Safety Issues

More than 9,100 Americans under the age of 21 were killed in highway crashes in 1995. Highway crashes are the leading cause of death and injury of Americans under the age of 30. Therefore, a central focus of the poll dealt with young people. The poll showed that the public wants the most government involvement in areas that affect youth, such as strengthening and enforcing child safety seat laws, underage drinking and impaired driving, and graduating licensing.

A. Child Restraint Laws

-- By 84% to 14%, a decisive majority of the adult public favor making it mandatory for all states to require that all children traveling in vehicles operated by *anyone*, not just their parents, no matter where "the children are riding must be buckled into special children's safety seats.

-- By an even higher 90% to 6%, the public nearly unanimously believes that "all people driving children, whether they are related to the children or not, should be made responsible for ensuring that the children are properly belted in."

B. Underage Drinking and Impaired Driving

-- A 91% to 7% majority favors passage of uniform laws, under which, "when teenage drivers test positive for any alcohol, they are subject to *immediate* revocation of their driver's license, and will be subject to strong penalties for driving under the influence." Among the youngest group, those 18 to 19, an 88% to 12% majority support such laws.

-- By 78% to 18%, a majority of adults nationwide oppose any effort "to roll back the legal drinking age from 21 years of age." Among those under 30, a smaller but still substantial 65% to 31% majority also opposes any such downward change.

C. Graduated Licensing

On the proposal to enact graduated licensing laws to phase in the full driving privilege for teens, the Harris poll questioned the public on several key components of the proposed law:

-- An overwhelming 89 percent to 8 percent majority supports teen drivers holding a learner's permit for at least six months before they qualify for a license and that an adult driver must be in the vehicle with the teenagers. Seventy-seven (77) percent of young people agreed.

-- 79 percent favors a teen driver moving up to a restricted license for six months to a year after taking a behind-the-wheel test. A 2 to 1 majority of young people agree.

-- A majority of 88 percent to 9 percent agree that "finally, if after a year or so, the teenager has not violated speed or drinking-when-driving laws, the teenager will be issued a full driver's license." And, 79 percent of teens agreed.

-- By 62 percent to 30 percent, a substantial majority of American people agree with the provision that "a young driver, for the first six months of licensure would not be permitted to drive after 10pm or 11pm." A clear 56 percent to 39 percent majority of young people disagreed.

-- The last area tested specified that "when first licensed, young drivers would not be allowed to transport other teenagers without an adult being present." A narrow 49 percent to 42 percent of the public agrees. A clear-cut 65 percent to 35 percent of teenagers disagree.

III. Automobile Safety and Consumer Information

Automobile safety is clearly in the forefront when it comes to selecting a new car in the 90s. The American people want safety features in their cars and passenger vehicles, including sport utility vehicles (the fastest growing segment of the new car market) and are willing to pay for such safety features. Furthermore, consumers want crash test results and other safety information available to help them make their purchasing decision.

-- By a clear 51% to 37%, a majority of adult Americans is convinced that "sport utility vehicles are not as safe as most passenger cars." About 1 in 3 (30%) believe they are "as safe as most passenger cars," and a small 7% feel they are "safer." A sizable majority of 57% of all women feel sport utility vehicles are "not as safe," compared with a smaller 44% plurality of men who share that view.

-- A 75% to 19% majority flatly say they would be willing to pay \$200 to \$300 more for a car "that has better safety systems to prevent rollover, better roof crush protection, improved padding on the interior of the car, and better side protection.

-- An 85% to 11% majority of those surveyed want to see all purchasers of passenger vehicles have the government safety ratings of the vehicles (from crash tests) they are contemplating buying at the point of sale.

IV. Large Truck Safety

In the wake of the North American Free Trade Agreement (NAFTA) pressure and other efforts to allow larger trucks and more consecutive hours of driving of trucks on the highways, the public adamantly opts for no compromises with current regulation of trucks on the nation's highways.

-- By 83% to 13%, a majority of the public is opposed to the move to change the number of consecutive hours that a truck driver is allowed to drive on a highway from the current 10 hours to 12 hours.

-- 80% are fully convinced that "trucks pulling two or more trailers are less safe than trucks pulling only one trailer."

-- By an even higher 88% to 7%, a majority also is opposed to allowing bigger and heavier trucks on the highways.

V. Safety Belt Use

While 49 states currently have safety belt laws, most are weaker or "secondary enforcement" laws that require police to issue a ticket for some other violation before a safety belt ticket can be written. The public is split down the middle on the proposal that these laws be upgraded to "primary enforcement" status where police are allowed to stop a driver solely for not wearing a safety belt.

-- By a close 51% to 46%, a majority opposes such a change to primary enforcement of safety belt laws.

-- Support for giving law enforcement officers the power to make such a change to primary enforcement of safety belt laws runs highest among suburban residents (52% in favor), women (51%), those 65 and over (59%), those with postgraduate degrees (56%), Democrats (53%), and Latinos (56%).

-- Most opposed are men (58% opposed), residents of the East and Midwest (54%), residents of small towns and rural areas (56%), young people under 30 (58%), political independents (57%), and Republicans (55%).

VI. Speed Limits and Aggressive Driving

The National Maximum Speed Limit (NMSL) was enacted by Congress in 1974 in response to a national energy crisis. However, one of the unanticipated benefits of the 55 mph speed limit was the dramatic drop in highway deaths. In 1995, Congress repealed the NMSL thereby allowing states to set their own interstate speed limits. As the following results show, while Americans support giving states this power, they are also concerned with the safety implications of the repeal.

-- By a 62% to 33% margin, a 2 to 1 majority of the American people support giving states the power to set whatever speed limits they want, including taking them off entirely.

-- However, a 66% to 29% majority of the public believes that accidents and deaths on the highways will rise again as a result of the repeal.

-- And a 64% to 31% majority feels that higher speed limits will contribute to even more aggressive driving.

CONCLUSION

Clearly now is not the time for the government to "back off" in the area of highway and auto safety. Highway deaths have increased each year since 1992. Last year, 41,798 Americans were killed and an estimated five million others were injured in highway crashes. Support for effective highway and auto safety policies and programs is as strong as ever. At a time when deaths on the highways are increasing, Americans want the government to remain involved in setting safety regulations that affect their safety and the safety of their families and friends on the highways.

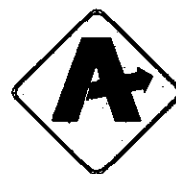
THE HIGHWAY SAFETY DEFICIT:

Who Pays and Who Delays?



A Report on the Status of the Nation's Highway Safety Laws and
Legislative Solutions for Reauthorization of the
Intermodal Surface Transportation Efficiency Act (ISTEA)

May 6, 1997



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